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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,654	09/10/2003	Gregory A. Piccionelli	39003.811US01	3656
MICHAEL M. GERARDI, ESQ. 2801 TOWNSGATE ROAD SUITE 200 WESTLAKE VILLAGE, CA 91361				
EXAMINER				
COPPOLA, JACOB C				
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
05/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Acknowledgements***

1. This action is in reply to the Remarks and Claim Amendments filed on 29 December 2008 ("08 Dec Remarks" and "08 Dec Amendments," respectively).
2. Claims 2-9, 11-18, and 29-32 are currently pending.
3. This Office Action is given Paper No. 20090505. This Paper No. is for reference purposes only.

### ***Incomplete Response***

4. The reply filed on 29 December 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have generally argued "Applicants submit that present claim 9 fully complies with the requirements of 35 USC 101, and respectfully request withdrawal of the rejection on this basis." (p. 5, 08 Dec Remarks). Because this response does not specifically point out the supposed errors of the Examiner's previous Office action (namely, Applicants have not stated *why* the claim fully complies with the requirements of 35 U.S.C. §101), this response does not comply with 37 C.F.R. §1.111(b), which states "[t]he reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action...." See 37 C.F.R. §1.111. Additionally, Applicants have generally argued "Applicants submit that present claims 6 and 7 meet the definiteness requirement of 35 USC 112, second paragraph, and respectfully urge that the rejection based thereon be withdrawn." (p. 5, 08 Dec Remarks). Because this response does not specifically point out the supposed errors of the Examiner's previous Office action (namely,

Applicants have not stated *why* the claims meet the definiteness requirement of 35 U.S.C. §112), this response does not comply with 37 C.F.R. §1.111(b). See citations above.

5. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. §1.136(a).

6. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Jacob C. Coppola whose telephone number is (571) 270-3922. The Examiner can normally be reached on Monday-Friday, 9:00 a.m. - 5:00 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached at (571) 272-6779.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/JACOB C. COPPOLA/  
Examiner, Art Unit 3621  
May 5, 2009

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621